

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-02359-JVS (AS)	Date	December 30, 2015
Title	<u>Ronald Thomas Poulson et al., v. Judge Daniel A. Ottolia et al.</u>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

N/A

N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED

On November 16, 2015, Petitioners Ronald Thomas Poulson and Dulcisima Sinubad Poulson filed a “Writ of Habeas Order to Show Cause and Writ Certiorari” (with an attached “Petition for Habeas Corpus for Cause”). See Docket Entry No. 1. On November 19, 2015, after screening the Petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, the Court ordered Petitioners to file a First Amended Petition for Writ of Habeas Corpus by a Person in State Custody, pursuant to 28 U.S.C. § 2254 (“First Amended Petition”), **or** a Petition for Writ of Habeas Corpus by a Person in Federal Custody, pursuant to 28 U.S.C. § 2241 (“First Amended Petition”), on the proper Central District Form, no later than December 10, 2015. See Docket Entry No. 3. Petitioners were expressly advised that their “failure to comply [with the Court’s Order] may result in a recommendation that [the Petition] be dismissed for failure to comply with the Court’s Order and/or for failure to prosecute pursuant to Fed.R.Civ.P. 41(b).” Id. at 2.

As of today, however, Petitioners have failed to respond to the Court’s November 19, 2015 Order or otherwise indicate how they wish to proceed with this action.

Therefore Petitioners are **ORDERED TO SHOW CAUSE**, within **thirty (30) days** of the date of this Order, or **no later than February 1, 2016**, why this action should not be dismissed for failure to prosecute pursuant to Fed.R.Civ.P. 41(b).

Petitioners may discharge this Order by filing a First Amended Petition that complies with the Court’s November 19, 2015 Order or other Response indicating how they wish to proceed with the Petition.

Petitioners may also request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). A Notice of Dismissal form is attached for Petitioners’ convenience. However, Petitioners are advised that any dismissed claims may be later subject to the statute of limitations under

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28 U.S.C. § 2244(d)(1), as amended by AEDPA, which provides that “[a] 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State Court.”

Petitioners are expressly warned that the failure to timely file a response to this Order will result in a recommendation that this action be dismissed with prejudice for their failure to comply with Court orders and failure to prosecute. See Fed.R. Civ. P. 41(b).

The Clerk of the Court is directed to serve a copy of this Order on Petitioners at their current address of record.